

### The “Judicious Use Of Surveillance Tools In Counterterrorism Efforts (JUSTICE)” Act Would Strengthen Oversight of Surveillance Programs, Improve Counterterrorism, Counterintelligence Investigations

(Washington, D.C.) – Rep. Rush Holt (NJ-12) today introduced a bill that would restore traditional Constitutional standards for conducting surveillance activities while preserving key counterterrorism tools used by federal law enforcement and intelligence agencies. The bill is nearly identical to a Senate version of the JUSTICE Act originally offered by **Russ Feingold** (D-WI),

**Dick Durbin**

(D-IL),

**Jon Tester**

(D-MT),

**Tom Udall**

(D-NM),

**Jeff Bingaman**

(D-NM),

**Bernie Sanders**

(I-VT),

**Daniel Akaka**

(D-HI) and

**Ron Wyden**

(D-OR) in September.

“This bill refutes the argument that in the 21<sup>st</sup> century we must chose between security and liberty,” said Holt. “We can have both—if we adhere to the Constitution and regularly examine the authorities we grant to and the actions taken by federal law enforcement and intelligence agencies in the exercise of these awesome surveillance powers. The JUSTICE Act strikes that balance.”

The JUSTICE Act addresses both the three provisions of the Patriot Act set to expire at the end of this year, as well as making key changes to the FISA Amendments Act passed last year.

Regarding the Patriot Act, the JUSTICE Act includes more effective checks on government searches of Americans’ personal and business records to ensure that the records sought are truly connected to a legitimate counterterrorism or counterintelligence investigation. Similarly,

the “sneak and peek” search provision of the Patriot Act would be reformed to ensure a tighter connection to legitimate investigations. The Patriot Act’s roving wiretap authority is likewise tightened to require federal agents to ascertain the presence of the target of a roving wiretap before beginning surveillance. And the bill enables better oversight of the use of National Security Letters (NSLs)—administrative subpoenas that do not require a judge’s sign off—after the Department of Justice Inspector General issued reports detailing the misuse and abuse of the NSLs.

The bill will also reform the FISA Amendments Act (passed last year) by repealing the retroactive immunity provision, preventing “bulk collection” of the contents of Americans’ international communications, and prohibiting “reverse targeting” of innocent Americans. A more detailed summary of the bill is attached.